IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Kent, et al.	) Confirmation No: 1981
	) Group Art Unit: 2614
Serial No.: 10/755,491	)
	) Examiner: Ramakrishnaiah, Melur
Filed: January 12, 2004	)
	) Atty. Docket No.: 190250-1280
For: Intelligent Interactive Call Handling	)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed June 28, 2007, responding to the final Office Action mailed March 28, 2007.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 20-0778.

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I. Real Party in Interest

The real party in interest of the instant application is AT&T BLS Intellectual Property Inc., having its principal place of business at 824 Market Street, Suite 901, Wilmington, Delaware 19801. BellSouth Intellectual Property Corporation, the assignee of record, changed its name to AT&T BLS Intellectual Property, Inc.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1-32 stand finally rejected. No claims have been allowed. The rejections of claims 1-32 are appealed.

IV. Status of Amendments

This application was originally filed on January 12, 2004 with thirty-two (32) claims. In a Response filed December 30, 2005, Applicant presented amendments that were not entered by the Examiner. In a Response filed February 2, 2006, Applicant resubmitted the earlier amendments which included amendments to claims 1, 5-7, 9, 13, 15-18, 20-21, and 24-32. In a Response filed July 10, 2006, Applicant amended claims 1, 7, 15, 24, and 27. In a Response filed January 15, 2007, Applicant amended claims 1, 7, 15, and 24.

The claims in the attached Claims Appendix (see below) reflect the present state of Applicant's claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 describe an intelligent interactive call handling system comprising a central office (FIG. 1A, 110) operable to trigger a query responsive to receiving a call request for a called party at a called party telephone number and a call-handling device (FIG. 1A, 112) coupled to the central office (FIG. 1A, 110). Applicant's specification, page 8, lines 18-21. The call-handling device (FIG. 1A, 112) is operable to receive the query and trigger an internet call routing query. Applicant's specification, pages 8-9, lines 3-7. The system further comprises an internet call routing system (FIG. 1A, 116) coupled to the call-handling device (FIG. 1A, 112). The internet call routing system is operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices (FIG. 1A, 122-128) that the called party is detected to be present, and instruct the call-handling device (FIG. 1A, 112) to route the call to

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the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, where the notification prompts the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification. Applicant's specification, page 11, lines 12-22. The call-handling device (FIG. 1A, 112) forwards the instructions from the internet call routing system (FIG. 1A, 116) to the central office (FIG. 1A, 110). Applicant's specification, page 21, lines 1-3.

Embodiments according to independent claim 7 describe an internet call routing system comprising receive logic operable to receive a call query to a called party telephone number from a call-handling device (FIG. 1A, 112) via a gateway (FIG. 1A, 118). Applicant's specification, page 8, lines 9-10. The system further comprises call notification logic being operable to send a notification to the called party via a plurality of registered communication devices (FIG. 1A, 122-128) that the called party is detected to be present. Applicant's specification, page 9, lines 8-11. The notification prompts the called party for instruction for handling the incoming call. Applicant's specification, page 9, lines 14-22. Such a system also comprises forwarding logic coupled to the call notification logic. The forwarding logic is operable to forward a call associated with the call query to the registered communication device (FIG. 1A, 122-128) in accordance with instruction from the called party that is received in reply to the notification and instruct the call-handling device (FIG. 1A, 112) to route the call to

the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Applicant's specification, page 9, lines 14-22.

Embodiments according to independent claim 15 describe a method of providing intelligent interactive call handling. The method comprises receiving a call query to a called party telephone number from a call-handling device (FIG. 1A, 112) via a gateway (FIG. 1A, 118) and sending a notification to the called party via a plurality of registered communication devices (FIG. 1A, 122-128) that the called party is detected to be present. Applicant's specification, page 9, lines 8-11. The method further comprises generating a signal to initiate connection of the call to the registered communication device (FIG. 1A, 122-128) in accordance with instruction from the called party that is received in reply to the notification; and sending instructions to the call-handling device (FIG. 1A, 112) to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Applicant's specification, page 9, lines 14-22.

Embodiments according to independent claim 24 describe a computer readable medium having a program for providing intelligent interactive call handling. The program has instructions for receiving a call query to a called party telephone number from a call-handling device (FIG. 1A, 112) via a gateway (FIG. 1A, 118) and sending a notification to the called party via a plurality of registered communication devices (FIG. 1A, 122-128) that the called party is

detected to be present. Applicant's specification, page 9, lines 8-11. The program further performs generating a signal to initiate connection of the call to the registered communication device (FIG. 1A, 122-128) in accordance with instruction from the called party that is received in reply to the notification and sending instructions to the call-handling device (FIG. 1A, 112) to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Applicant's specification, page 9, lines 14-22.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 1, 3-5, 7-8, 10, 14-16, 21-22, 24-25, and 30-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* (U.S. Patent No. 6,683,870) in view of *Pepper* (U.S. Patent No. 5,930,700).

Claims 6, 9, 20, and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Reding* (U.S. Patent Application Publication No. 2004/0213212 A1).

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Cermak* (U.S. Patent No. 6,763,095).

Claims 13, 17-18, and 26-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Balasuriya* (U.S. Patent Publication No. 2003/0041048).

Claims 19 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Balasuriya* in further view of *Reding*.

Claims 11-12, 23, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view *Cermak*.

VII. Arguments

The Appellant respectfully submits that Applicant's claims 1-32 are patentable. The Appellant respectfully requests that the Board of Patent Appeals overturn the rejection of those claims at least for the reasons discussed below.

A.   Claim Rejections - 35 U.S.C. § 103(a) – *Archer* in view of *Pepper*

Claims 1, 3-5, 7-8, 10, 14-16, 21-22, 24-25, and 30-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* (U.S. Patent No. 6,683,870) in view of *Pepper* (U.S. Patent No. 5,930,700).

1.   Applicant's Claim 1

As provided in independent claim 1, Applicant claims:

> ***An intelligent interactive call handling system, comprising:***

a central office operable to trigger a query responsive to receiving a call request for a called party at a called party telephone number;

call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query; and

an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, wherein the call-handling device forwards the instructions from the internet call routing system to the central office.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Archer* in view of *Pepper* does not disclose, teach, or suggest at least a "call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query; and an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the

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called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, wherein the call-handling device forwards the instructions from the internet call routing system to the central office," as recited and emphasized above.

Archer describes a find-me system, where a caller dials a single telephone number associated with the find-me system. The call is then directed to a find-me service processor. The service processor routes the call to a device via digitized packets over packet-switched network 130, whereby "[t]his system also reduces switch traffic for the telephone companies by letting Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-10.

As such, *Archer* does not disclose that the service processor provides routing instructions to a circuit-switched network 130, 118. Rather, *Archer* clearly describes that a "phone call is routed to a find-me service processor 128 through a packet-switched network 130 (Step 104). For example, the call may reach the Internet via an Internet Service Provider (ISP)." Accordingly, voice signals from a circuit-switched network 118 are converted into digital packets by a converter and received by the service processor. *See* col. 5, lines 42-46 ("In general, converter 126 may convert signals from a first network (e.g., circuit-switched network 118) into a digital protocol which can be routed through packet-switched network 130"). At the service processor, "voice packets are <u>then routed to the destination</u> which responded to the call (Step 109). When the call is completed

by an analog device 120 (e.g., a telephone), the digitized packets are reassembled by the converter 132 into a voice stream on the called party's end. When the call is completed to a digital device 134 (e.g., a computer) the digital device 134 itself (along with specialized software) reassembles the packets. At this point, the call is completed and conversation commences." *See* col. 9, lines 30-61 (Emphasis added). Therefore, *Archer* fails to teach or suggest at least sending a notification of an incoming call to a plurality of registered communication devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification, or forwarding instructions from the internet call routing system to the central office, as described in claim 1. As previously noted, *Archer* describes that "private Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-6. Thus, *Archer* does not disclose the forwarding of instructions to a central office. Also, *Archer* describes that a caller calls a telephone number associated with a find-me service before routing to an ultimate destination commences. As a result, *Archer* does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification that is sent. Further, *Archer* describes issuing a call notification to communication devices on a called party's designated phone number list and does not disclose sending a notification to devices where the called party is detected to be present.

Regarding *Pepper*, it describes a communication system where a caller places a telephone call to a telephone number associated with a telephone network interface (TNI). The call may be forwarded to the TNI from another telephone number. *See* col. 11, lines 44-51. The TNI is connected to a service control module, where the service control module attempts to identify the caller and connect the call in accordance with pre-established rules or in accordance with a response received from the subscriber. Accordingly, the service control module may communicate with a subscriber's personal digital assistant (PDA) to inform the subscriber of an incoming call and to query the subscriber about the handling of the incoming call. If a response is not received from the subscriber, the caller is directed to the subscriber's voice mail system. *See* col. 5, lines 25-42 and col. 6, lines 12-54. As a result, *Pepper* does not teach or suggest routing the incoming call <u>to the called party telephone number</u> if no instruction is received from the called party in reply to the notification that is sent. Further, *Pepper* describes issuing a call notification to a subscriber's PDA and does not disclose sending a notification to a plurality of devices where the called party is detected to be present. As such, *Pepper* individually and/or in combination with *Archer* fails to teach or suggest at least sending a notification of an incoming call to a plurality of registered communication devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the

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notification, or forwarding instructions from the internet call routing system to the central office, as described in claim 1.

Thus, neither reference discloses that a central office queries a call-handling device which queries an internet call routing system, where <u>the internet call routing system provides instructions to the call-handling device for routing the call</u> or where the call-handling device then uses the instructions to <u>instruct the central office</u> on how to route the call. Accordingly, the cited art fails to teach or suggest a "call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query; and an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, wherein the call-handling device forwards the instructions from the internet call routing system to the central office," as recited in claim 1.

For at least this reason, the rejection of claim 1 should be withdrawn. In reviewing the final Office Action of March 28, 2007, the Examiner asserts that

Archer discloses a call-handling device forwarding call handling from the internet call routing system to the central office implicitly by the fact "that when [a] called user has responded to [a] call notification, the service processor 128 terminates [the] connection and then a communication connection is established between a caller telephone 114 (fig. 1) and the called party at, for example 120 b(fig. 1) which implies routing the call through central office: col. 7, lines 14-22)." Page 11. However, *Archer* clearly discloses that the service processor 128 terminates communications with destinations where a response is not received from a called party and does not terminate a communication with the called party. *See* col. 7, lines 14-21. As such, a communication connection where a response is received is not terminated and is connected with the calling party by the service processor 128. *See* col. 7, lines 14-21. Accordingly, routing a call through a central office is not implicitly shown by *Archer*.

The final Office Action also asserts that *Archer* discloses that a central office, as allegedly disclosed by item 118 in Fig. 2, queries a call-handling device, which is allegedly disclosed by item 128 in Fig. 2. Pages 12-13. However, *Archer* describes that a calling party calls a telephone number of the find-me system that features the service processor 128. *Archer* does not disclose that a central office queries the service processor 128. As a result, *Archer* does not meet the requirements of claim 1 in the manner suggested by the Examiner.

The final Office Action also asserts that *Pepper* teaches that a call handling-device, as allegedly disclosed by item 306 (service control module) of

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Fig. 3, instructs a central office, which is allegedly disclosed by item 304 (telephone network interface) of Fig. 3, on how to route a call. However, *Pepper* describes that the TNI answers and places telephone calls. *See* col. 6, lines 56-60. Accordingly, *Pepper* fails to teach or suggest that a telephone network interface or TNI performs any routing of calls. Therefore, the TNI 304 and service control module 306 of *Pepper* do not meet the requirements of claim 1 in the manner suggested by the Examiner.

For at least this additional reason, the rejection of claim 1 should be withdrawn.

2.   **Applicant's Claims 3-5**

Because independent claim 1 is allowable over the cited art of record, dependent claims 3-5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims contain all the features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Additionally and notwithstanding the foregoing reasons for allowability of claims 3-5, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the references of record.

3.   Applicant's Claim 7

As provided in independent claim 7, Applicant claims:

> An internet call routing system, comprising:
> receive logic operable to receive a call query to a called party telephone number from a call-handling device via a gateway;
> call notification logic being operable to send a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call; and
> ***forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.***

(Emphasis added).

Applicant respectfully submits that independent claim 7 is allowable for at least the reason that *Archer* in view of *Pepper* does not disclose, teach, or suggest at least "forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

Archer describes a find-me system, where a caller dials a single telephone number associated with the find-me system. The call is then directed to a find-

me service processor. The service processor routes the call to a device via digitized packets over packet-switched network 130, whereby "[t]his system also reduces switch traffic for the telephone companies by letting Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-10.

As such, *Archer* does not disclose that the service processor provides routing instructions. Rather, *Archer* clearly describes that a "phone call is routed to a find-me service processor 128 through a packet-switched network 130 (Step 104). For example, the call may reach the Internet via an Internet Service Provider (ISP)." Accordingly, voice signals from a circuit-switched network 118 are converted into digital packets by a converter and received by the service processor. *See* col. 5, lines 42-46 ("In general, converter 126 may convert signals from a first network (e.g., circuit-switched network 118) into a digital protocol which can be routed through packet-switched network 130"). At the service processor, "voice packets are <u>then routed to the destination</u> which responded to the call (Step 109). When the call is completed by an analog device 120 (e.g., a telephone), the digitized packets are reassembled by the converter 132 into a voice stream on the called party's end. When the call is completed to a digital device 134 (e.g., a computer) the digital device 134 itself (along with specialized software) reassembles the packets. At this point, the call is completed and conversation commences." *See* col. 9, lines 30-61 (Emphasis added). Therefore, *Archer* fails to teach or suggest at least sending a notification

of an incoming call to a plurality of registered communication devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification, or forwarding a call to a registered communication device in accordance with instruction from the called party, as described in claim 7. In *Archer*, a caller calls a telephone number associated with a find-me service before routing to an ultimate destination commences. As a result, *Archer* does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification that is sent. Further, *Archer* describes issuing a call notification to communication devices on a called party's designated phone number list and does not send a notification to devices where the called party is detected to be present.

Regarding *Pepper*, it describes a communication system where a caller places a telephone call to a telephone number associated with a telephone network interface (TNI). The call may be forwarded to the TNI from another telephone number. *See* col. 11, lines 44-51. The TNI is connected to a service control module, where the service control module attempts to identify the caller and connect the call in accordance with pre-established rules or in accordance with a response received from the subscriber. Accordingly, the service control module may communicate with a subscriber's personal digital assistant (PDA) to inform the subscriber of an incoming call and to query the subscriber about the

handling of the incoming call. If a response is not received from the subscriber, the caller is directed to the subscriber's voice mail system. *See* col. 5, lines 25-42 and col. 6, lines 12-54. As a result, *Pepper* does not teach or suggest routing the incoming call <u>to the called party telephone number</u> if no instruction is received from the called party in reply to the notification that is sent. Further, *Pepper* describes issuing a call notification to a subscriber's PDA and does not disclose sending a notification to a plurality of devices where the called party is detected to be present. As such, *Pepper* individually and/or in combination with *Archer* fails to teach or suggest at least sending a notification of an incoming call to a plurality of registered communication devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification, or forwarding a call to a registered communication device in accordance with instruction from the called party, as described in claim 7.

Thus, neither reference discloses that a call-handling device receives instructions for routing a call. Accordingly, the cited art fails to teach or suggest a "forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and <u>instruct the call-handling device to route the call</u> to the called party telephone number if no instruction is received from the

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called party in reply to the notification after a set period of time," as recited in claim 7.

In the final Office Action of March 28, 2007, the Examiner states that Applicant's arguments about "Pepper using a single contact number and Archer use of find me system [] are not particularly relevant [to] applicant's claim limitations as long as the references teach applicants claim limitations." Page 14. However, as stated above, *Pepper's* use of a single contact number and *Archer's* use of a find-me system demonstrates that neither reference teaches or suggests the claimed feature to "instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 7.

For at least this reason, the rejection of claim 7 should be withdrawn.

4.   Applicant's Claims 8, 10, and 14

All of the claimed features of independent claim 7 are not taught and suggested by *Archer* and *Pepper*, as previously discussed. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made, and the rejections of claims 8, 10, and 14 (which depend from claim 7) should be withdrawn.

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5.   Applicant's Claim 15

As provided in independent claim 15, Applicant claims:

> A method of providing intelligent interactive call handling, comprising:
>
> receiving a call query to a called party telephone number from a call-handling device via a gateway;
>
> ***sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;***
>
> ***generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and***
>
> ***sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.***

(Emphasis added).

Applicant respectfully submits that independent claim 15 is allowable for at least the reason that *Archer* in view of *Pepper* does not disclose, teach, or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and sending instructions to the call-handling device to route the call to the called party

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telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

Archer describes a find-me system, where a caller dials a single telephone number associated with the find-me system. The call is then directed to a find-me service processor. The service processor routes the call to a device via digitized packets over packet-switched network 130, whereby "[t]his system also reduces switch traffic for the telephone companies by letting Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-10.

As such, *Archer* does not disclose that the service processor provides routing instructions. Rather, *Archer* clearly describes that a "phone call is routed to a find-me service processor 128 through a packet-switched network 130 (Step 104). For example, the call may reach the Internet via an Internet Service Provider (ISP)." Accordingly, voice signals from a circuit-switched network 118 are converted into digital packets by a converter and received by the service processor. *See* col. 5, lines 42-46 ("In general, converter 126 may convert signals from a first network (e.g., circuit-switched network 118) into a digital protocol which can be routed through packet-switched network 130"). At the service processor, "voice packets are then routed to the destination which responded to the call (Step 109). When the call is completed by an analog device 120 (e.g., a telephone), the digitized packets are reassembled by the converter 132 into a voice stream on the called party's end. When the call is

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completed to a digital device 134 (e.g., a computer) the digital device 134 itself (along with specialized software) reassembles the packets. At this point, the call is completed and conversation commences." *See* col. 9, lines 30-61 (Emphasis added). Therefore, *Archer* fails to teach or suggest at least sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, as described in claim 15.

In *Archer*, a caller calls a telephone number associated with a find-me service before routing to an ultimate destination commences. As a result, *Archer* does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification that is sent. Further, *Archer* describes issuing a call notification to communication devices on a called party's designated phone number list and does not send a notification to devices where the called party is detected to be present.

Regarding *Pepper*, it describes a communication system where a caller places a telephone call to a telephone number associated with a telephone network interface (TNI). The call may be forwarded to the TNI from another telephone number. *See* col. 11, lines 44-51. The TNI is connected to a service control module, where the service control module attempts to identify the caller

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and connect the call in accordance with pre-established rules or in accordance with a response received from the subscriber. Accordingly, the service control module may communicate with a subscriber's personal digital assistant (PDA) to inform the subscriber of an incoming call and to query the subscriber about the handling of the incoming call. If a response is not received from the subscriber, the caller is directed to the subscriber's voice mail system. *See* col. 5, lines 25-42 and col. 6, lines 12-54. As a result, *Pepper* does not teach or suggest sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Further, *Pepper* describes issuing a call notification to a subscriber's PDA and does not disclose sending a notification to a plurality of devices where the called party is detected to be present. As such, *Pepper* individually and/or in combination with *Archer* fails to teach or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and sending instructions to the call-handling device to route the call to the called party telephone number if no

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instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 15.

Thus, neither reference discloses sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as described in claim 15. In the final Office Action of March 28, 2007, the Examiner states that Applicant's arguments about "Pepper using a single contact number and Archer use of find me system [] are not particularly relevant [to] applicant's claim limitations as long as the references teach applicants claim limitations." Pages 15-16. However, as stated above, *Pepper's* use of a single contact number and *Archer's* use of a find-me system demonstrates that neither reference teaches or suggests the claimed feature of "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; generating sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 15.

For at least this reason, the rejection of claim 15 should be withdrawn.

6.   Applicant's Claims 16 and 21-22

All of the claimed features of independent claim 15 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Therefore, a

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prima facie case establishing an obviousness rejection by the proposed combination has not been made with respect to claims 16 and 21-22 which depend from claim 15. Therefore, the rejections of claims 16 and 21-22 should be withdrawn.

7. Applicant's Claim 24

As provided in independent claim 24, Applicant claims:

> A computer readable medium having a program for providing intelligent interactive call handling, the program having instructions for performing:
> receiving a call query to a called party telephone number from a call-handling device via a gateway;
> ***sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;***
> ***generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and***
> ***sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.***

(Emphasis added).

Applicant respectfully submits that independent claim 24 is allowable for at least the reason that *Archer* in view of *Pepper* does not disclose, teach, or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is

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received in reply to the notification; and sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

Archer describes a find-me system, where a caller dials a single telephone number associated with the find-me system. The call is then directed to a find-me service processor. The service processor routes the call to a device via digitized packets over packet-switched network 130, whereby "[t]his system also reduces switch traffic for the telephone companies by letting Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-10.

As such, *Archer* does not disclose that the service processor provides routing instructions. Rather, *Archer* clearly describes that a "phone call is routed to a find-me service processor 128 through a packet-switched network 130 (Step 104). For example, the call may reach the Internet via an Internet Service Provider (ISP)." Accordingly, voice signals from a circuit-switched network 118 are converted into digital packets by a converter and received by the service processor. *See* col. 5, lines 42-46 ("In general, converter 126 may convert signals from a first network (e.g., circuit-switched network 118) into a digital protocol which can be routed through packet-switched network 130"). At the service processor, "voice packets are <u>then routed to the destination</u> which responded to the call (Step 109). When the call is completed by an analog

device 120 (e.g., a telephone), the digitized packets are reassembled by the converter 132 into a voice stream on the called party's end. When the call is completed to a digital device 134 (e.g., a computer) the digital device 134 itself (along with specialized software) reassembles the packets. At this point, the call is completed and conversation commences." *See* col. 9, lines 30-61 (Emphasis added). Therefore, *Archer* fails to teach or suggest at least sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, as described in claim 24.

In *Archer*, a caller calls a telephone number associated with a find-me service before routing to an ultimate destination commences. As a result, *Archer* does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification that is sent. Further, *Archer* describes issuing a call notification to communication devices on a called party's designated phone number list and does not send a notification to devices where the called party is detected to be present.

Regarding *Pepper*, it describes a communication system where a caller places a telephone call to a telephone number associated with a telephone network interface (TNI). The call may be forwarded to the TNI from another

telephone number. *See* col. 11, lines 44-51. The TNI is connected to a service control module, where the service control module attempts to identify the caller and connect the call in accordance with pre-established rules or in accordance with a response received from the subscriber. Accordingly, the service control module may communicate with a subscriber's personal digital assistant (PDA) to inform the subscriber of an incoming call and to query the subscriber about the handling of the incoming call. If a response is not received from the subscriber, the caller is directed to the subscriber's voice mail system. *See* col. 5, lines 25-42 and col. 6, lines 12-54. As a result, *Pepper* does not teach or suggest sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Further, *Pepper* describes issuing a call notification to a subscriber's PDA and does not disclose sending a notification to a plurality of devices where the called party is detected to be present. As such, *Pepper* individually and/or in combination with *Archer* fails to teach or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 24

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Further, *Pepper* discloses "giving a single contact number to his clients" where the disclosed system connects a call for the single contact number, the call is answered by a TNI, and then may originate an outgoing call to another number. *See* col. 6, lines 12-17 and col. 8, lines 5-17. Likewise, *Archer* discloses a find-me system, where a caller dials a single telephone number. The call is then directed to a find-me service processor. Service processor routes call to a device via digitized packets over packet-switched network 130, whereby "[t]his system also reduces switch traffic for the telephone companies by letting Internet service providers do the routing, in effect turning the Internet service providers into mini-telephone companies." Col. 10, lines 3-10.

Thus, neither reference discloses sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as described in claim 24.

For at least this reason, the rejection of claim 24 should be withdrawn.

8. **Applicant's Claim 25 and 30-31**

All of the claimed features of independent claim 24 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made with respect to claims 25 and 30-31 which

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depend from claim 24, and the rejections of claims 25 and 30-31 should be withdrawn.

B.   Claim Rejections - 35 U.S.C. § 103(a) – ***Archer*** **in view of** ***Pepper*** **in further view of** ***Reding***

Claims 6, 9, 20, and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Reding* (U.S. Patent Application Publication No. 2004/0213212 A1).

All of the claimed features of independent claims 1, 7, 15, and 24 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Further, the cited art of *Reding* fails to cure the deficiencies of the *Archer* and *Pepper* combination in suggesting or teaching all of the claimed features in claims 6, 9, 20, and 29 (which depend from respective independent claims 1, 7, 15, and 24). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made, and the rejections of claims 6, 9, 20, and 29 should be withdrawn.

C.   Claim Rejections - 35 U.S.C. § 103(a) – ***Archer*** **in view of** ***Pepper*** **in further view of** ***Cermak***

Claims 2, 11-12, 23, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Cermak* (U.S. Patent No. 6,763,095).

All of the claimed features of independent claims 1, 7, 15, and 24 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Further, the cited art of *Cermak* fails to cure the deficiencies of the *Archer* and *Pepper* combination in suggesting or teaching all of the claimed features in claims 2, 11-12, 23, and 32 (which depend from independent claims 1, 7, 15, and 24). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made, and the rejections of claims 2, 11-12, 23, and 32 should be withdrawn.

D.   Claim Rejections - 35 U.S.C. § 103(a) – *Archer* in view of *Pepper* in further view of *Balasuriya*

Claims 13, 17-18, and 26-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Balasuriya* (U.S. Patent Publication No. 2003/0041048).

All of the claimed features of independent claims 7, 15, and 24 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Further, the cited art of *Balasuriya* fails to cure the deficiencies of the *Archer* and *Pepper* combination in suggesting or teaching all of the claimed features in claims 13, 17-18, and 26-27 (which depend from respective independent claims 13, 17-18, and 26-27). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made, and the rejections of claims 13, 17-18, and 26-27 should be withdrawn.

E.   Claim Rejections - 35 U.S.C. § 103(a) – *Archer* in view of *Pepper* in further view of *Balasuriya* in further view of *Reding*

Claims 19 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Pepper* in further view of *Balasuriya* in further view of *Reding*.
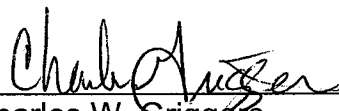
All of the claimed features of independent claims 15 and 24 are not taught and suggested by *Archer* in view of *Pepper*, as previously discussed. Further, the cited art of *Balasuriya* and *Reding* fails to cure the deficiencies of the *Archer* and *Pepper* combination in suggesting or teaching all of the claimed features in claims 19 and 28 (which depend from respective independent claims 15 and 24). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made, and the rejections of claims 19 and 28 should be withdrawn.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: _____
Charles W. Griggers
Registration No. 47,283

Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1.   An intelligent interactive call handling system, comprising:

a central office operable to trigger a query responsive to receiving a call request for a called party at a called party telephone number;

call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query; and

an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, wherein the call-handling device forwards the instructions from the internet call routing system to the central office.

2.   The system of claim 1, further comprising a certificate authority coupled to the internet call routing system, the certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information.

3.   The system of claim 1, further comprising a presence engine coupled to the internet call routing system, the presence engine being operable to determine the presence of any of said at least one registered communication device.

4.   The system of claim 1, wherein the internet call routing query comprises an account number associated with the called party, a phone number associated with the called party, a registration identification associated with the called party, and a certificate associated with the called party.

5.   The system of claim 1, further comprising a gateway coupled between the call-handling device and the internet call routing system, the gateway being operable to translate protocols between the signaling system-7 protocol and the internet protocol.

6. The system of claim 1, further comprising at least one of a short message service server, an electronic mail server, an instant messaging server and a simple object access protocol server, said server(s) being coupled to the internet call routing system, and being operable to forward the notification to a registered communication device responsive to instructions from the internet call routing system.

7. An internet call routing system, comprising:

receive logic operable to receive a call query to a called party telephone number from a call-handling device via a gateway;

call notification logic being operable to send a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call; and

forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.

8. The system of claim 7, further comprising:

a database operable to store a profile associated with the called party including a list comprising said at least one registered communication device, the database being operable to provide the list associated with the called party to the presence logic.

9. The system of claim 7, wherein the call notification logic comprises at least one of a short message server, an electronic mail server, a simple object access protocol server, and an instant messaging server.

10. The system of claim 7, wherein the call query comprises an account number associated with the called party, a phone number associated with the called party, a registration identification associated with the called party, and a certificate associated with the called party.

11. The system of claim 10, further comprising authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party.

12. The system of claim 11, wherein the authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system.

13. The system of claim 7, further comprising a rules engine, the rules engine being operable to parse at least one rule associated with the called party, and user-interface logic is operable to send a prompt to the called party via said at least one registered communication device responsive to the presence determination and rules engine, and receive a reply from the called party.

14. The system of claim 7, wherein said at least one registered communication device comprises at least one of a cellular phone and an internet protocol phone.

15. A method of providing intelligent interactive call handling, comprising:

receiving a call query to a called party telephone number from a call-handling device via a gateway;

sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;

generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and

sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.

16.   The method of claim 15, wherein the method further comprises:

storing a profile associated with the called party including a list comprising the registered communication devices.

17.   The method of claim 16, wherein the method further comprises:

storing a profile associated with the called party, the profile also including at least one rule for sending a prompt to the called party.

18.   The method of claim 17, further comprising:

parsing said at least one rule prior to sending the prompt to the called party; and

sending a message to the called party via at least one registered communication device responsive to the parsing.

19.   The method of claim 18, wherein the prompt is an internet-based message.

20.   The method of claim 15, further comprising:

using at least one of a short message server, an electronic mail server, a simple object access protocol server, and an instant messaging server, to send the notification to the called party via said plurality of registered communication devices.

21. The method of claim 20, wherein said plurality of registered communication devices includes at least one of a cellular phone and an internet protocol phone.

22. The method of claim 15, wherein the call query comprises an account number associated with the called party, a phone number associated with the called party, a registration identification associated with the called party, and a certificate associated with the called party.

23. The method of claim 22, further comprising using the certificate associated with the called party to authenticate the called party.

24. A computer readable medium having a program for providing intelligent interactive call handling, the program having instructions for performing:

receiving a call query to a called party telephone number from a call-handling device via a gateway;

sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;

generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and

sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.

25. The computer readable medium of claim 24, wherein the program further performs:

storing a profile associated with the called party including a list comprising the registered communication devices.

26. The computer readable medium of claim 25, wherein the program further performs:

storing a profile associated with the called party, the profile also including at least one rule for sending a prompt to the called party.

27. The computer readable medium of claim 26, the program further performing:

parsing said at least one rule prior to sending the prompt to the called party; and

sending a message to the called party via at least one registered communication device responsive to the parsing.

28. The computer readable medium of claim 27, wherein the prompt is an internet-based message.

29.   The computer readable medium of claim 24, the program further performing:

using at least one of a short message server, an electronic mail server, a simple object access protocol server, and an instant messaging server, to send the notification to the called party via said at least one registered communication device responsive to the presence determination.

30.   The computer readable medium of claim 29, plurality of registered communication devices includes at least one of a cellular phone and an internet protocol phone.

31.   The computer readable medium of claim 24, wherein the call query comprises an account number associated with the called party, a phone number associated with the called party, a registration identification associated with the called party, and a certificate associated with the called party.

32.   The computer readable medium of claim 31, the program further performing using the certificate associated with the called party to authenticate the called party.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

<u>Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)</u>

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.